



APPLICATION (Revised December 2008)
ST. LOUIS COUNTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

**ALL QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS
A RESIDENT OF MISSOURI.**

NAME: Edward M. Goldenhersh

1. State your present principal occupation:

Attorney.

2. Are you at least 30 years of age?

Yes.

3. (a) How long have you been a citizen of the United States?

Sixty years.

- (b) Have you been a resident of St. Louis County for at least one year immediately prior to the date of this application?

Yes.

- (c) How long have you been a qualified voter of Missouri?

Forty-two years.

4. Are you licensed to practice law in Missouri?

Yes.

List any other states, courts, or agencies in which you are licensed as an attorney:

Eighth Circuit Court of Appeals; United States District Court, Eastern District of Missouri.

5. State the date you were admitted to the Bar in Missouri.

April 1975.

Missouri Bar Number:

MBE# 26080.

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

University of Missouri
Jesse Hall
Columbia, Missouri 65211
September 1967 to May 1968;

Washington University
One Brookings Drive
St. Louis, Missouri 63130
September 1968 to May 1971
B.A. History, *Phi Beta Kappa*;

Washington University School of Law
Anheuser Busch Hall
One Brookings Drive
St. Louis, Missouri 63130
September 1971 to December 1974
J.D. (Class rank – top 15%).

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

Legal Employment

Klamen, Summers & Compton
7820 Maryland
Clayton, Missouri 63105
Law Clerk, December 1974 to January 1975;

Sidel, Sandweiss & Kaskowitz
611 Olive St., Suite 1510
St. Louis, Missouri 63101
Summer Intern, 1974
Associate, January 1975 to December 1979
Partner, January 1980 to June 1981;

Greensfelder, Hemker & Gale, P.C.
10 S. Broadway, Suite 2000
St. Louis, Missouri 63102
Associate, June 1981 to December 1982
Partner, January 1983 to December 1986
Shareholder, 1987 to date. The firm changed from a partnership to a professional corporation in 1987.

Non-Legal Employment

Saveway Food Co.
5106 N. Broadway
St. Louis, Missouri
1964 to 1968 – worked weekends and summers in family grocery business;

Continental Can Corporation
Broadway Blvd.
St. Louis, Missouri
Summer, 1969 – worked on assembly line;

General Motors
Union Blvd.
St. Louis, Missouri
Summer, 1970 – worked on night shift assembly line;

New York Hospital/Cornell Med School
70th & York Ave.
New York, New York
Summer, 1971 – worked on hospital inventory;

Olin Library
Washington University
Fall Semester 1971 – worked in library;

Trans World Airlines
Campus Representative for Washington University
Student Airline Ticket Sales
1972 to 1974;

Research Assistant to Professor A. Peter Mutharika
Washington University School of Law
Summer, 1973;

Research Assistant for Missouri Public Interest Research Group (MOPIRG)
Summer, 1973.

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one to three sentence description of each case and its outcome.

In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one to three sentence description of each case and its outcome.

Not applicable.

9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court?

Yes.

10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed.

Friends of the San Luis, Inc., Plaintiff v. Archdiocese of St. Louis, et al., Defendants, Circuit Court of the City of St. Louis, Case No. 0922-CC08307, Division 18 (Judge Robert H. Dierker).

This was a bench-tried case in July 2009. I was first chair representing the Archdiocese of St. Louis and San Luis Apartments, Inc. On July 17, 2009, plaintiff filed a Verified Petition for Declaratory Judgment and Injunctive Relief claiming standing as taxpayers to prevent the demolition of the San Luis building, which building was located within a historic district. The Motion for Temporary Restraining Order was tried to the Court on July 20, 2009. Defendants prevailed. The Preliminary Injunction was tried to the Court on July 24, 2009. Defendants prevailed. The case is now on appeal before the Missouri Court of Appeals, Eastern District. Mr. Ian C. Simmons, 3206 Shenandoah Avenue, St. Louis, Missouri 63104, is opposing counsel.

Landmarks Association of St. Louis, Inc., Plaintiff, v. Missouri Development Board, John L. Nau, III, Chairperson of the Advisory Council on Historic Preservation, St. Louis U.S. Custom House and Old Post Office Building Associates, L.P., Defendants, United States District Court, Eastern District of Missouri, Eastern Division, Case No. 4:04CV1442 (Judge Audrey Flessig).

This was a bench-tried case in November 2004. I was first chair, representing St. Louis U.S. Custom House and Old Post Office Building Associates, L.P. ("St. Louis Old Post Office"). St. Louis Old Post Office was formed to facilitate the redevelopment of the Old Post Office in downtown St. Louis. It was spearheaded by Mark Schnuck and Steven Stogel. Landmarks filed a Complaint for a Temporary Restraining Order, Injunctive Relief and a Declaratory Judgment under the National Historic Preservation Act and the National Environmental Protection Act to prevent the demolition of the Century Building and the erection of the Ninth Street Garage on its former site. Without the construction of the Ninth Street Garage on the Century Building site, the \$80 million Old Post Office redevelopment project would not proceed. St. Louis Old Post Office prevailed and injunctive relief was denied. The Old Post Office Project has since been completed, housing the Missouri Court of Appeals, Webster University, the St. Louis Business Journal and other tenants. This was one of four cases in which I served as lead counsel wherein various persons or entities tried to prevent the demolition of the Century Building. Mr. Matthew Ghio, formerly of the law firm of Chackes, Carlson, Spritzer & Ghio, LLP, 230 S. Bemiston Ave., Suite 800, Clayton, Missouri 63105, was opposing counsel.

11. Have you briefed or argued any case in an appellate court?

Yes.

If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.

I. Missouri Supreme Court:

Michael Powel, Appellant v. Chaminade College Preparatory, Inc., and the Marianist Province of the United States, Respondents, and Archbishop Justin Rigali, William Christensen, and John J. Woulfe, Defendants, Missouri Supreme Court, No. SC 86875, 197 S.W.3d 576 (Mo. banc 2006).

I was the co-author of the *amicus curiae* brief submitted by the Archdiocese of St. Louis and Archbishop Justin Rigali. In the trial court below, I was lead counsel for these religious defendants and was successful in obtaining their dismissal from the case.

State of Missouri, ex rel., SSM Health Care St. Louis, Relator v. The Honorable Margaret M. Neill, Circuit Court Judge, 22nd Judicial Circuit, Respondent, No. SC 84228, 78 S.W.3d 145 (Mo. banc 2002).

I wrote the application for writ and legal briefs in this matter. I argued this case in the Missouri Supreme Court, together with a companion case which is set forth in the next entry below. The writ in favor of SSM Health Care St. Louis was made absolute. The issue involved the interpretation of Missouri's venue laws as applied to Missouri non-profit corporations per § 355.176.4.

State of Missouri, ex rel, SSM Health Care St. Louis, Relator v. The Honorable Margaret M. Neill, Circuit Court Judge, 22nd Judicial Circuit, Respondent, No. SC 84092, 78 S.W.3d 140 (Mo. banc 2002).

I wrote the application for writ and the legal briefs in this matter. This case was a companion case to the Missouri Supreme Court listed above. Relator prevailed.

II. Missouri Court of Appeals:

Mary SN Doe, Appellant v. Roman Catholic Archdiocese of St. Louis and Archbishop Raymond Burke, Respondents, Missouri Court of Appeals, Eastern District, Case No. ED 93009.

I co-authored Respondents' Brief for the Archdiocese of St. Louis and the Archbishop, along with an associate. I argued this case for Respondents on February 9, 2010. The case involved First Amendment issues with respect to the Establishment clause and the Free Exercise clause of the United States Constitution. On February 23, 2010, the Court of Appeals affirmed in favor of Respondents and published an Opinion.

Peggy Nicholson, Appellant v. Roman Catholic Archdiocese of St. Louis and Archbishop Raymond Burke, Respondents, Missouri Court of Appeals, Eastern District, Case No. ED 93007.

I co-authored Respondents' Brief for the Archdiocese of St. Louis and the Archbishop, along with an associate. I argued this case for Respondents February 9, 2010. The case involved First Amendment issues with respect to the Establishment clause and the Free Exercise clause of the United States Constitution. On February 23, 2010, the Court of Appeals affirmed in favor of Respondents and published an Opinion.

Timothy Dempsey, Appellant v. Johnston and Roman Catholic Archdiocese of St. Louis, Respondents, Missouri Court of Appeals, Eastern District, Case No. ED 92624, 299 S.W.3d 704 (Mo.App. E.D. 2009).

I wrote Respondents' Brief for the Archdiocese of St. Louis and the Archbishop, along with an associate. I argued this case for Respondents on October 8, 2009. This case involved a claim by Appellant of being abused when he was an altar boy, and the issues presented concerned the statutes of limitation and the tolling provisions of § 516.170 RSMo. Respondents prevailed.

John Doe KS, Appellant v. Mar James and Archbishop Raymond Burke, et al., Respondents, Missouri Court of Appeals, Eastern District, Case No. ED 92280, 295 S.W.3d 235 (Mo.App. E.D. 2009).

I argued this case, and I wrote Respondents' Brief for the Archdiocese of St. Louis and Archbishop Burke. This case involved a claim by Appellant of abuse. The case involved the statute of limitations and dismissal of certain claims on First Amendment grounds. Respondents prevailed.

John Doe KK, Appellant v. Roman Catholic Archdiocese of St. Louis and Archbishop of St. Louis, Missouri, Respondents, Missouri Court of Appeals, Eastern District, Case No. ED 92016, 291 S.W.3d 746 (Mo.App. E.D. 2009).

I argued this case, and I wrote Respondents' Brief for the Archdiocese of St. Louis and Archbishop Burke, along with an associate. The case involved a claim of abuse. The issue concerned the statute of limitations and § 516.170 RSMo. Respondents prevailed.

Matt Doe, Appellant v. Archdiocese of St. Louis and Archbishop Burke, Respondents, Missouri Court of Appeals, Eastern District, Case No. 90858, 275 S.W.3d 323 (Mo.App. E.D. 2009).

I argued this case, and I wrote the Respondents' Brief for the Archdiocese of St. Louis and Archbishop Burke. The case involved the statute of limitations. Respondents prevailed.

Herbert Graham, Appellant v. Michael McGrath, Roman Catholic Archdiocese of St. Louis and Archbishop Justin Rigali, Respondents, Missouri Court of Appeals, Eastern District, No. ED89168, 243 S.W.3d 459 (Mo.App. E.D. 2007).

I argued this case, and I wrote the Respondents' Brief for the Archdiocese of St. Louis and the Archbishop, along with an associate. This case involved a claim of abuse by a priest and the issues presented were the statutes of limitation, claimed mental disability under § 516.170 and fraudulent concealment. Respondents prevailed. Reported in *Missouri Lawyers Weekly* as an Important Opinion of 2007.

Marti Frumhoff, Appellant v. Missouri Development Finance Board, Missouri Department of Natural Resources, Missouri Department of Economic Development, St. Louis U.S. Custom House and Old Post Office Building Association, L.P., The DESCO Group, Inc., and DFC Group Inc., Respondents, Missouri Court of Appeals, Western District, No. WD 65052, 181 S.W.3d 218 (Mo. App. W.D. 2005).

I wrote the Respondents' Brief for St. Louis U.S. Custom House and Old Post Office Building Association, L.P., The DESCO Group, Inc. and DFC Group, Inc. ("Respondent developers").

I argued this case before the Western District of Missouri for Respondent developers. The State of Missouri also argued for its Respondent agencies. This case involved a taxpayer who challenged the issuance of state historical tax credits issued to Respondent developers of the Old Post Office by Respondent agencies. Respondents prevailed. Reported in *Missouri Lawyers Weekly* as an Important Opinion of 2005.

John T. Doe, Appellant v. Most Rev. Anthony J. O'Connell, et al., Respondents, Missouri Court of Appeals, Eastern District, No. ED 82561, 146 S.W.3d 1 (Mo. App. E.D. 2004).

I argued this case, and I wrote the Respondents' Brief for the Diocese of Jefferson City and Bishop Gaydos. The case involved the correctness of the trial court's grant of a motion to dismiss based on the statute of limitations. Respondents prevailed.

Drury Displays, Inc. d/b/a DDI Media, Plaintiff/Respondent, v. Clayton Investment Corp., Defendant/Appellant, et al., Missouri Court of Appeals, Eastern District, No. ED82160, 118 S.W.3d, 623 (Mo. App. E.D. 2003).

I argued this case before the Eastern District of Missouri, and I wrote Respondent's Brief. This case involved ownership issues of a billboard, contract rights and lease rights regarding the billboard following a foreclosure on the billboard at a Sheriff's tax sale. Respondent prevailed.

Justin F. Rigali, Archbishop of the Archdiocese of St. Louis, Appellant v. Kensington Place Homeowners' Association, (Lot A), et al. Respondents, Missouri Court of Appeals, Eastern District, No. ED 81417, 103 S.W.3d 839 (Mo. App. E.D. 2002).

I argued this eminent domain and easement of necessity case, and I assisted in the writing of the Appellant's Brief. The Court of Appeals reversed the lower court in favor of Appellant. Reported in *Missouri Lawyers Weekly* as an Important Opinion of 2002.

Pine Valley Water Company, Plaintiff/Appellant v. Ronnoco Coffee Company, Defendant/Respondent, Missouri Court of Appeals, Eastern District, No. ED 80701, 93 S.W.3d 763 (Mo. App. E.D. 2002).

I argued the case, and I wrote the Respondent's Brief. This case involved claims that Respondent breached a confidentiality agreement and used confidential information to unfairly compete. Respondent prevailed.

Barry B. Holtzer, Plaintiff/Respondent v. Allan Leving and Lawrence Kaplan, Defendants/Appellants, Missouri Court of Appeals, Eastern District, No. ED 80424, 84 S.W.3d 104 (Mo. App. E.D. 2002).

I argued the case, and I wrote the Respondent's Brief, along with an associate. This case involved claims on two promissory notes owed to the Respondent. Appellant raised a number of affirmative defenses which failed as a matter of law. Respondent prevailed.

Stuart M. Leventhal, Plaintiff/Respondent v. Wilson Trophy Company, Defendant/Appellant, Missouri Court of Appeals, Eastern District, No. ED 76460, 20 S.W.3d 602 (Mo. App. E.D. 2000).

I wrote the Respondent's Brief for Wilson Trophy, along with an associate, Scott Golde. Mr. Golde argued. Appellant appealed from a denial of a motion to compel arbitration. Appellant did not prevail.

H.R.B., Plaintiff/Respondent v. Archbishop Justin Rigali, Defendant/Appellant, Missouri Court of Appeals, Eastern District, No. ED 76365, 18 S.W.3d 440 (Mo. App. E.D. 2000).

I argued the case, and I wrote Appellant's Brief. Appellant was successful in reversing a \$1,200,000.00 jury verdict in favor of the Respondents. Reported in *Missouri Lawyers Weekly* as an Important Opinion of 2000.

Watlow Electric Manufacturing Company, Respondent v. Ronald M. Wrob, Jr. and H.E.A.T., Inc., Appellants, Missouri Court of Appeals, Eastern District, No. 67083, 899 S.W.2d 951 (Mo. App. E.D. 1995).

I argued the case, and I wrote Respondent's Brief. The case involved whether a bank account of the judgment debtor was subject to garnishment. Respondent prevailed.

Watlow Electric Manufacturing Company, et al., Plaintiffs/Respondents v. Ronald M. Wrob, Jr., a/k/a Mike Wrob, and individual, and H.E.A.T., Inc., a Missouri Corporation, et al., Defendants/Appellants, Missouri Court of Appeals, Eastern District, No. 66866, 899 S.W.2d 585 (Mo. App. E.D. 1995).

I argued the case, and I wrote Respondent's Brief. The case involved an injunction enforcing a covenant not to compete. Respondent prevailed.

Watlow Electric Manufacturing Company, a Missouri corporation, and Pacific Heater Corporation, a Missouri corporation, Plaintiffs/Respondents v. John Wrob, Intervenor/Appellant, Missouri Court of Appeals, Eastern District, No. 65039, 881 S.W.2d 650 (Mo. App. E.D. 1994).

I argued the case, and I wrote Respondent's Brief. The case involved a garnishment. The case was reversed and remanded for further evidence.

Watlow Electric Manufacturing Company, et al., Respondent v. Ronald Wrob, Jr. a/k/a Mike Wrob/ H.E.A.T., Inc., Appellant, Missouri Court of Appeals, Eastern District, No. 63530, 878 S.W.2d 63 (Mo. App. E.D. 1994).

I argued the case, and I wrote the Respondent's Brief. The matter involved a covenant not to compete with respect to the manufacture of thermo-couples. Respondent argued that the matter was not ripe for appeal. The Eastern District agreed.

F. Townsend Burke, Thomas M. Hess and Paul S. Burke, Appellants v. Kent D. Kehr, Personal Representative of the Estate of Margery C. Bussen, William L. Webster, et al., Missouri Court of Appeals, Eastern District, No. 63554, 876 S.W.2d 718 (Mo. App. E.D. 1994).

I argued the case, and I wrote the Respondents' Brief, together with co-counsel Timothy Hayes. This was a will contest and the trial court entered a directed verdict in favor of the Respondents, which was affirmed.

F. Townsend Burke, Thomas M. Hess, and Paul S. Burke, Plaintiffs-Appellants v. Kent D. Kehr, Personal Representative of the Estate of Margery C. Bussen, et al., Defendants-Respondents, Missouri Court of Appeals, Eastern District, No. 60286, 826 S.W.2d 855 (Mo. App. E.D. 1992).

I wrote the Respondents' Brief, together with co-counsel Timothy Hayes. Mr. Hayes argued this case on appeal. The Eastern District reversed the trial court's dismissal of the will contest.

The Washington University, Plaintiff-Respondent v. Royal Crown Bottling Company of St. Louis, Royal Crown Companies, Inc., Universal Foods Corporation, and

American Winery, Inc., Defendants-Appellants, Missouri Court of Appeals, Eastern District, No. 57188, 801 S.W.2d 458 (Mo. App. E.D. 1990).

I argued the case, and I wrote Appellant Universal Foods Corporation's Brief. The award of attorney's fees and expenses against Universal Foods Corporation was reversed. The remainder of the trial court's judgment was affirmed.

RFS, Inc., et al., Respondents v. J. Frederic Cohen, et al., Appellants, United Missouri Bank of St. Louis, Intervenor Respondent, Missouri Court of Appeals, Eastern District, No. 53634, 772 S.W.2d 713 (Mo. App. E.D. 1989).

I wrote the Respondents' Brief with William Travis. Mr. Travis argued this case. This was an easement case. Appellants prevailed.

HCA Health Services of Midwest, Inc. d/b/a St. Peters Community Hospital, Appellant v. Administrative Hearing Commission of the State of Missouri, et al., Respondents, Missouri Court of Appeals, Eastern District No. 49252, 702 S.W.2d 884 (Mo. App. E.D. 1985).

I wrote the Respondent Hospital's Brief with my partner, David Harris. Mr. Harris argued this case. This case concerned the grant of a certificate of need to another hospital. Respondents prevailed.

III. United States Court of Appeals, Eighth Circuit

Jeffrey S. Aaron, an individual residing in Florida, as the trustee of a New York revocable trust, Sylvia H. Aaron, ADTAR, L.L.C., a Delaware limited liability company; Hampton Village Associates, L.L.C., a New York limited liability company and successor-in-interest to the Estate of Louis Feil, Plaintiffs/Appellees v. Target Corporation, formerly known as Target Stores, Inc., formerly known as Dayton Hudson Corporation, a Minnesota corporation, Defendant/Appellant, City of St. Louis MO, a Missouri municipal corporation; The Land Clearance for Redevelopment Authority of the City of St. Louis, a Missouri municipal corporation, Defendants/Appellants, United States Court of Appeals, Eighth Circuit, No. 03-2825, 03-2827, 357 F.3d 768 (8th Cir. 2004).

Jordan Cherrick, John Petite, Richard Goldstein and I wrote the Appellees' Brief for Jeffrey S. Aaron, Trustee and ADTAR, LLC. Mr. Cherrick argued the case in the Circuit Court of Appeals, which was reversed in favor of the Defendant/Appellants. I argued the case in the United States District Court.

Bonnie L. Geissal, as personal representative of the Estate of James W. Geissal, Plaintiff-Appellant/Cross Appellee, v. Moore Medical Corporation, et al., Defendants-Appellees/Cross-Appellants, United States Court of Appeals, Eighth Circuit, Nos. 02-2255, 02-2256, 338 F.3d 926 (8th Cir. 2003).

Daniel Schwartz, Traci Diekemper and I wrote the Brief for Moore Medical Corporation. This was an ERISA case. Mr. Schwartz argued.

Moses.com Securities, Inc., Appellee v. Comprehensive Software Systems, Inc., Appellant, United States Court of Appeals, Eighth Circuit, Nos. 00-3927EM, 263 F.3d 783 (8th Cir. 2001).

I assisted in the writing of the Appellant's Brief. Mr. Horowitz of Colorado argued the case. This was a breach of contract case.

A.B. Alexander, an individual d/b/a A.B. Alexander & Associates, Appellant v. The Perkin Elmer Corporation, Appellee, United States Court of Appeals, Eighth Circuit, No. 83-1719, 729 F.2d 576 (8th Cir. 1984).

I argued the case, and I wrote the Appellee's Brief, along with an associate. This was one of the first RICO cases before the Eighth Circuit Court of Appeals. The case also involved numerous state law claims. The lower court's summary judgment was affirmed in favor of the Appellee.

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

- a. I serve as General Counsel to Greensfelder, Hemker & Gale, P.C., in addition to being a vice-president and shareholder.
- b. I have been the ethics advisor at Greensfelder, Hemker & Gale, P.C., since 2002.
- c. I was retained by the Attorney Registration and Disciplinary Commission ("ARDC") of the Supreme Court of Illinois to defend James Grogan, Esq., an attorney with the ARDC. Amiel Cueto sued Mr. Grogan along with others, claiming RICO violations and treble damages of \$90,000,000.00. The case was styled *Cueto, Plaintiff v. Grogan, et al., Defendants*, U.S. District Court, Southern District of Illinois, Case No. 08-0808-DRH. Chief Justice Herndon granted the motion to dismiss in favor of Mr. Grogan.
- d. I was retained as co-counsel for Peter Maritz, Philip Maritz and Alice Starek Maritz in two cases against Stephen Maritz and Maritz, Inc., involving various shareholder issues. The main case settled on the day trial commenced. *Maritz v. Martiz, Inc.*, St. Louis County Circuit Court, Case No. 2103 CC-02986. The companion federal case was dismissed by the federal court based

upon a motion I filed under the abstention doctrine. *Maritz v. Starek*, 2006 WL 1026925 (E.D. Mo. 2006).

- e. In addition to the *Landmarks Association* case cited in response to question Number 10, I handled three other federal court cases in which various plaintiffs tried to stop the demolition of the Century Building. One of those cases involved a claim for \$45,000,000.00 for inverse condemnation. Judge Flessig dismissed the case on my motion.
- f. I was lead counsel for Schnuck Markets, Inc. in various cases that arose out of the acquisition of National Food Stores and the subsequent divestiture of 23 stores, including a matter that went to arbitration for 28 days and involved a claim against Schnucks for \$175,000,000.00. Schnucks prevailed and the arbitration award in favor of Schnucks was confirmed. Judge Romines was the Circuit Court Judge who granted my motion to compel arbitration.
- g. I represented the Jesuits of the Missouri Province in an equity case tried before Judge Gloria Reno in which the Jesuits prevailed, thereby allowing their artifacts to be relocated from St. Stanislaus Seminary to St. Louis University.
- h. I represented Coulter Corporation in a misappropriation of trade secrets under federal and Florida law. The case was styled *Coulter Corp. v. Leinert*, 869 F.Supp 732 (E.D. Mo. 1994). Coulter prevailed.
- i. I have been involved in more than 75 mediations representing a party and have served as a mediator for the U.S. District Court, Eastern District of Missouri and for the Circuit Court of the City of St. Louis.

13. Have you ever been convicted of a misdemeanor or felony?

No.

If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:

14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem?

If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:

- 1. Our firm, Greensfelder, Hemker & Gale, P.C., was sued for legal malpractice in 2003. Plaintiff sued the firm and all shareholders. The suit was filed in Madison County, Illinois. The case was settled. This was a lawsuit over the drafting of a corporate document involving real estate located in another state. I was not involved

in the drafting of the documents or involved in the business transaction. The case was styled as *Cadence Capital Corporation, Plaintiff v. John J. Bahnak, Jr. et al.*, Third Judicial Circuit, Madison County, Illinois, Case No. 03-L-746.

2. I was a plaintiff in a medical malpractice case in 1986. The case was styled: *Edward M. Goldenhersh and Carolyn R. Goldenhersh v. Jewish Hospital, Leo Sachar, M.D. and Robert Mendelsohn, M.D.* The case was filed in the St. Louis City Circuit Court, Division 1 in 1986. It settled in 1987. I do not have a cause number. Robert F. Ritter, Esq. was my legal counsel.

3. I was the petitioner in a divorce matter from my first wife, Katharine Ku. We were married approximately 5 years. No children. The divorce was filed in St. Louis County Circuit Court in 1975 and became final in 1976.

4. I was a defendant regarding a car accident which occurred in approximately 1970 when I was an undergraduate student at Washington University. The case was pending in St. Louis City Circuit Court. The case settled prior to trial. I do not have any records identifying the matter.

15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof?

No.

If yes, provide details:

16. Have you ever been held in contempt of court?

No.

If yes, provide details:

17. If you are or were a member of the Judiciary of the State of Missouri, please state:

(a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct?

Not applicable.

If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:

(b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary.

Not applicable.

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details:

Not applicable.

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct?

No.

If yes, provide details:

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

Missouri Bar Association, 1975 to present.
United States District Court, Eastern District, 1975 to present.
Eighth Circuit Court of Appeals, 1975 to present.
American Bar Association, 1975 to present.
Bar Association of Metropolitan St. Louis, 1975 to present.
American Trial Lawyers Association, 1979 to 2000.
DRI – Defense Research Institute, 2002 to present.

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

United Hebrew Congregation – former Trustee.
B'nai El Congregation – Former Board Member and Trustee.
Washington University – Mentor, Minority Student Program.
American Bar Association – Civil Litigation Committee.

21. Do you now hold or have you ever held any elective or appointive public office or position?

No.

If yes, provide details:

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state:

Not applicable.

23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

I received the Washington University Black Law Students Association Mentor of the Year Award in 2009.

I have been listed in Missouri Super Lawyers for 2005, 2006, 2007, 2008 and 2009.

I participated as a panel speaker in a Bar Association of Metropolitan St. Louis seminar on Wills and Trust litigation. This seminar was given in the early 1990's.

In 1974, I took an appellate practice course at St. Louis University School of Law from the Honorable Charles Blackman during the summer. I represented the State of Missouri under Supreme Court Rule 13 and wrote the Respondent's Brief for Attorney General John C. Danforth. My brief was adopted verbatim by Mr. Danforth. The case is reported as *State of Missouri v. Hawthorne*, 523 S.W.2d 332 (Mo.App. K.C. Dist. 1975).

24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

Ms. Kathi Chestnut
Greensfelder, Hemker & Gale, P.C.
10 South Broadway, Suite 2000
St. Louis, Missouri 63102
(314) 241-9090

Mr. Maurice B. Graham
Gray, Ritter & Graham, P.C.
701 Market St., Suite 800
St. Louis, Missouri 63101
(314) 241-5620

Mr. Paul E. Kovacs
Armstrong Teasdale, LLP
One Metropolitan Square, #2600
St. Louis, Missouri 63102
(314) 621-5070

Mr. Gerard T. Noce
Hepler, Broom, LLC
800 Market Street, Suite 2300
St. Louis, Missouri 63101
(314) 241-6160

Mr. Mark J. Schnuck
The DESCO Group
8040 Forsyth Blvd.
Clayton, Missouri 63105
(314) 994-4440

25. State any additional data you deem relevant:

During the course of my thirty-five years in practice, I have handled personal injury cases, for plaintiff and defendant, medical malpractice defense cases, contract cases, equity cases, condemnation cases (including St. Mary's Parish in Bridgeton and St. Lawrence Parish), Lanham Act cases, trademark and copyright cases, construction cases, mechanic's lien cases, assignment for benefit of creditor cases, bankruptcy litigation, domestic relations cases and a small number of criminal cases.

My first cousin, Honorable Joseph Goldenhersh, was a member of the Illinois Supreme Court. His son and my friend, the Honorable Richard Goldenhersh, is on the Court of Appeals for the Fifth District of Illinois. I always have aspired to become a circuit court judge. I believe that I possess the intellect, knowledge, temperament and compassion to be an exemplary circuit judge.

By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police or disciplinary records, and (2) the Commission and its members to obtain additional relevant information regarding my qualifications as well as the accuracy of my responses to the questions on this application, with the understanding that the information described in (1) and (2) above is available only to the members of the Twenty-First Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10, as amended effective February 29, 2008, if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

I hereby certify that all my statements as made above are correct and that if I am appointed to the office of Circuit Judge of the Circuit Court of St. Louis County, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE: February 24, 2010

SIGNED: Edward M. Goldenhersh

Mr. Goldenhersh has been in private practice since 1975. He presently is a shareholder, vice president and general counsel for Greensfelder, Hemker & Gale, P.C. Mr. Goldenhersh received his law degree from Washington University in 1974 and his bachelor of arts degree from Washington University in 1971. He and his wife, Carolyn R. Goldenhersh, reside in Creve Coeur, Missouri.